



Express Mail No. EV336593428US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Ralf M. Luche and Bo Wei
Application No. : 09/964,277
Filed : September 25, 2001
For : DSP-16 DUAL SPECIFICITY PHOSPHATASE
Examiner : YU, Misook
Art Unit : 1642
Docket No. : 200125.434
Date : December 8, 2003

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents:

In response to the Restriction Requirement mailed by the U.S. Patent and Trademark Office (hereinafter, "PTO") on September 8, 2003, please extend the period of time for response two (2) months, to expire on December 8, 2003. Enclosed are a Petition for an Extension of Time and the requisite fee.

Applicants hereby elect Group XV, claims 51-58 and 60-63, directed to isolated polynucleotides, vectors comprising such polynucleotides, host cells comprising such vectors, and a method for making a polypeptide encoded by the polynucleotides, for examination at this time.

Applicants respectfully note that the Restriction Requirement incorrectly referred to Groups II and XV as being directed to polypeptides rather than to the recited subject matter, which includes isolated polynucleotides, related compositions, and methods. Applicants also note that claim 94, directed to a DSP-16 alternate form substrate trapping mutant polypeptide, was not listed in any of the Groups.

In view of the above election, Applicants hereby request that claims 1-50, 59, and 64-98 be withdrawn from consideration without prejudice to the filing of any related divisional, continuation, or continuation-in-part application. Additionally, although moot in view of the instant election, Applicants reserve the right to traverse in such future applications any restriction of the application into the inventions of Groups I – XIV and XVI – XXVI as asserted by the PTO in the instant application.

Favorable consideration of the elected claims is now requested.

Respectfully submitted,
Seed Intellectual Property Law Group PLLC

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TRANSMITTAL FORM

(To be used for all correspondence after initial filing)

Application Number	09/964,277
Filing Date	September 25, 2001
First Named Inventor	Ralf M. Luch
Art Unit	1642
Examiner Name	YU, Miso k
Attorney Docket No.	200125.434

ENCLOSURES (check all that apply)

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form
<input checked="" type="checkbox"/> Fee Attached
<input checked="" type="checkbox"/> Response to Restriction Requirement
<input type="checkbox"/> After Final
<input type="checkbox"/> Affidavits/declaration(s)
<input checked="" type="checkbox"/> Extension of Time Request
<input type="checkbox"/> Express Abandonment Request
<input type="checkbox"/> Information Disclosure Statement; Form PTO-1449
<input type="checkbox"/> Cited References
<input type="checkbox"/> Certified Copy of Priority Document(s)
<input type="checkbox"/> Response to Missing Parts under 37 C.F.R. 1.52 or 1.53
<input type="checkbox"/> Response to Missing Parts/Incomplete Application | <input type="checkbox"/> Drawing(s)
<input type="checkbox"/> Request for Corrected Filing Receipt
<input type="checkbox"/> Licensing-related Papers
<input type="checkbox"/> Petition
<input type="checkbox"/> Petition to Convert to a Provisional Application
<input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address
<input type="checkbox"/> Declaration
<input type="checkbox"/> Statement under 37 CFR 3.73(b)
<input type="checkbox"/> Terminal Disclaimer
<input type="checkbox"/> Request for Refund | <input type="checkbox"/> CD(s), Number of CD(s) _____
<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Return Receipt Postcard
<input type="checkbox"/> Additional Enclosure(s) (please identify below):

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|--|---|--|

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Individual Name	Mae Joanne Rosok Reg. No. 48,903	Customer Number 00500
Signature		
Date	December 8, 2003	

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name		
Signature		Date:

438981



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FEE TRANSMITTAL for FY 2004

Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT (\$) **210.00**

Complete if Known	
Application Number	09/964,277
Filing Date	September 25, 2001
First Named Inventor	Ralf M. Luche
Examiner Name	YU, Misook
Art Unit	1642
Attorney Docket No.	200125.434

METHOD OF PAYMENT	
<input checked="" type="checkbox"/> Payment Enclosed: <input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other	
<input type="checkbox"/> Deposit Account: Deposit Account Number 19-1090	
Deposit Account Name Seed Intellectual Property Law Group PLLC	
The Director is authorized to (check all that apply) <input type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Credit any overpayments <input type="checkbox"/> Charge any additional fee(s) during the pendency of this application <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee <input checked="" type="checkbox"/> Charge any deficiencies to the above-identified deposit account.	

FEE CALCULATION					
1. BASIC FILING FEE					
Large Entity		Small Entity			
Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1) (\$)					
2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE					
Total Claims		-**	=	Extra Claims * Fee from below =	Fee Paid
Independent Claims		-**	=	Independent Claims * Fee from below =	Fee Paid
Multiple Dependent		-**	=	Multiple Dependent * Fee from below =	Fee Paid
Large Entity		Small Entity			
Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	
1202	18	2202	9	Claims in excess of 20	
1201	86	2201	43	Independent claims in excess of 3	
1203	290	2203	145	Multiple dependent claim, if not paid	
1204	86	2204	43	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2) (\$)					

*or number previously paid, if greater. For Reissues, see above

FEE CALCULATION (continued)						
3. ADDITIONAL FEES						
Large Entity		Small				
Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description		Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath		
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet		
1053	130	1053	130	Non-English specification		
1812	2520	1812	2520	For filing a request for ex parte reexamination		
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action		
1805	1840*	1805	1840*	Requesting publication of SIR after Examiner action		
1251	110	2251	55	Extension for reply within first month		
1252	420	2252	210	Extension for reply within second month		210
1253	950	2253	475	Extension for reply within third month		
1254	1480	2254	740	Extension for reply within fourth month		
1255	2010	2255	1005	Extension for reply within fifth month		
1401	330	2401	165	Notice of Appeal		
1402	330	2402	165	Filing a brief in support of an appeal		
1403	290	2403	145	Request for oral hearing		
1451	1510	1451	1510	Petition to institute a public use proceeding		
1452	110	2452	55	Petition to revive – unavoidable		
1453	1330	2453	665	Petition to revive – unintentional		
1501	1330	2501	665	Utility issue fee (or reissue)		
1502	480	2502	240	Design issue fee		
1503	640	2503	320	Plant issue fee		
1460	130	1460	130	Petitions to the Commissioner		
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)		
1806	180	1806	180	Submission of Information Disclosure Stmt		
8021	40	8021	40	Recording each patent assignment per property (times number of properties)		
1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))		
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))		
1801	770	2801	385	Request for Continued Examination (RCE)		
1802	900	1802	900	Request for expedited examination of a design application		
Other fee (specify) _____						
*Reduced by Basic Filing Fee Paid					SUBTOTAL (3) (\$)	210

SUBMITTED BY				
Name (Print/Type)	Mae Joanne Rosk	Registration No. Attorney/Agent	48,903	Customer Number
Signature	Mae Joanne Rosk	Date	December 8, 2003	00500